

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1, 4-6, 8 and 15 stand rejected under 35 USC §102(b) over Berthold. In addition, claims 15-19 stand rejected under 35 USC §102(b) Pflüger et al. Although Applicants respectfully disagree, independent claims 1 and 15 have been amended to make it clear that the plurality of tubes in the tube bundle are arranged in a hexagonal packing structure. It was found that this packing structure promotes better heat transfer than the square packing structure taught by Berthold and/or Pflüger. Therefore, because a 102(b) rejection requires that a reference disclose exactly what an Applicant has claimed, and the cited references cannot properly be said to do that, Applicants respectfully request that the outstanding 102(b) rejections based upon Berthold and/or Pflüger et al. be withdrawn.

Claims 14 and 20 stand rejected under 35 USC §103(a) over Berthold in view of Lu. Applicants respectfully disagrees since the packing structure limitation required by the independent claims is not shown or suggested in Berthold, and is not remedied by Lu. Therefore, Applicants respectfully request that the outstanding §103(a) rejections be withdrawn.

Claims 6 and 8 have been cancelled rendering the rejections against them moot. New claims 21 and 22 have been added and are believed allowable over the art of record.

Claims 2, 3, 7 and 9-13 stand objected to as being dependent upon a rejected base claim. In response, Applicants have amended claims 2, 3, 7, 9, 10, 12 and 13 into independent form. Applicants appreciate the indication of allowable subject matter. A check in the amount of \$1,400.00 is included to cover the excess independent claim fees. The commissioner is authorized to charge any underpayment or credit any overpayment to deposit account no. 500226.

This application is now believed to be in condition for allowance of claims 1-5, 7, and 9-22. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited

to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBM', with a stylized flourish at the end.

Michael B. McNeil

Reg. No. 35,949